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09/393,616	09/10/1999	SVERRIR OLAFSSON	98RSS303	3002

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EXAMINER

ENG, GEORGE

ART UNIT PAPER NUMBER

2643

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/393,616

Applicant(s)

OLAFFSON ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,8-10,19,20,32,33,40-42,47,48,54-56,63-66 and 68-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8-10,19,20,32,33,40-42,47,48,54-56,63-66 and 68-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 10 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al. (EP 0741481 A2 hereinafter Civanlar) in view of DeFrancesco et al. (US PAT. 4,598,367 hereinafter DeFrancesco).

Regarding claim 1, Civanlar discloses a communication system having a telephone network (116) that delivers call waiting signaling upon detect an incoming call (col. 4 lines 31-32). The communication system comprises a remote modem (104) having a hold mode and a local modem (102) communicatively coupled to the remote modem via shared access to the

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telephone network (figure 1, abstract and col. 4 lines 10-24). In addition, the local modem directs the remote modem to enter the hold mode then temporarily relinquished to the telephone network after detecting the call waiting signaling (col. 2 lines 27-55 and col. 4 lines 34-44). Furthermore, Civanlar teaches the remote modem remaining in the hold mode for no longer than a predetermined interval (col. 9 lines 28-43). Civanlar differs from the claimed invention in not specifically teaching to transmit said predetermined interval transmitted by the local modem to the remote modem. However, DeFrancesco teaches to transmit a hold signal including a predetermined time out period to a remote modem for defining a hold period (col. 6 lines 9-16). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Civanlar to transmit said predetermined interval transmitted by the local modem to the remote modem, as per teaching of DeFrancesco, because it makes user friendly so that a request user capable of holding a connection at a predetermined period of time.

Regarding claim 10, Civanlar teaches to maintain a network connection by communicating with upper layers while in the hold mode (col. 7 lines 21-36).

Regarding claim 69, DeFrancesco teaches to extend the hold mode in order to prevent disconnection between the local modem and the remote modem (col. 6 lines 14-16).

3. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al. (EP 0741481 A2 hereinafter Civanlar) in view of DeFrancesco et al. (US PAT. 4,598,367 hereinafter DeFrancesco) in view of Hamasaki (US PAT. 5,131,025).

Regarding claims 8-9, the combination of Civanlar and DeFrancesco differs from the claimed invention in not specifically teaching a table storing pre-select caller identification

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information for comparison with the call identification information of incoming calls to determine whether to service incoming call. However, Hamasaki teaches an intelligent modem comprising means for storing identification information and means for comparing the stored identification information with the call identification information of incoming calls to determine whether to service incoming call (col. 9 lines 53-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Civanlar and DeFrancesco in having storing means and comparing means because prevents the operation of modem communication from being disrupted by unauthorized parties.

4. Claims 19-20, 66, 68 and 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al. (EP 0741481 A2 hereinafter Civanlar) in view of Perlman et al. (US PAT. 5,896,444 hereinafter Perlman).

Regarding claim 19, Civanlar discloses a modem (102) coupled to a computing system via a telephone line to a telephone network (116), wherein the modem comprises a processing circuit having a first mode in which communication is exchanged in an established data session and a second mode in which the established data session is temporarily placed on hold, and the processing circuit entering the second mode in response to signals received via the telephone network and interacting with a protocol stack as if the processing circuit was operating in the first mode (col. 2 lines 27-55 and col. 6 line 8 through col. 8 line 12). Civanlar differs from the claimed invention in not specifically teaching present said data protocol stack while in said second mode to maintain an appearance of being in the first mode. However, Perlman teaches to provide a call waiting processing method for presenting data to a protocol stack while in

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temporarily placed data session on hold in order to automatically return to a previous mode without further input from a user (col. 5 line 54 through col. 6 line 2). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Civanlar to present said data protocol stack while in said second mode to maintain an appearance of being in the first mode, as per teaching of Perlman, because it makes user friendly by automatically return to a previous mode without further input from a user.

Regarding claim 20, Civanlar clearly discloses the data session comprising communication on a primary channel, wherein the signal received via the telephone network are received on a secondary channel (figure 1).

Regarding claim 66, the limitations of the claim are rejected as the same reasons set forth in claim 19.

Regarding claim 68, Civanlar teaches to use a secondary channel for acknowledging the hold request (col. 7 lines 21-27).

Regarding claim 71, the limitations of the claim are rejected as the same reasons set forth in claim 19.

Regarding claim 72, Civanlar teaches the hold request including the period of time (col. 9 lines 31-37).

5. Claims 32-33, 40-42, 44-45, 47-48, 54-56, 63-65, 70 and 73-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al. (EP 0741481 A2 hereinafter Civanlar) in view of Armstrong et al. (US PAT. 3,626,107 hereinafter Armstrong).

Regarding claim 32, Civanlar discloses a communication device (102) for communication with a remote device (104) over a communication channel, wherein the communication device obviously comprises a receiver for receiving attention signal to indicate whether to accept or reject a call, a decoder for decoding the attention signal, and a transmitter for transmitting a hold request to the remote device in response to the attention signal, wherein the communication over said channel ceases for a period of time after transmitting the hold request (col. 7 line 1 through col. 8 line 12). Civanlar differs from the claimed invention in not specifically teaching said handset placed off-hook by a user for dialing an outgoing call. However, Armstrong teaches three way calling and call-waiting arrangement for telephone system for providing dial tone to a user for dialing an outgoing call when hook-switch is detected (col. 1 lines 17-35, col. 2 line 55 through col. 3 line 55 and col. 4 line 13 through col. 6 line 41). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Civanlar in placing the handset off-hook by the user for dialing an outgoing call, as per teaching of Armstrong, because it enables a user to make a call even a line has been used.

Regarding claim 33, Civanlar teaches the hold request including the period of time (col. 9 lines 31-37).

Regarding claim 40, Civanlar teaches the communication device keeping alive during said period of time, i.e. during hold period (col. 7 lines 29-31) so that it would have been obvious to keep an upper layer protocol alive.

Regarding claim 41, Civanlar discloses to retransmit the hold request using a secondary channel (col. 7 lines 21-24).

Regarding claim 42, Civanlar discloses said communication device receiving an acknowledgement in response to the hold request (col. 7 lines 24-27).

Regarding claim 44, the limitations of the claim are rejected as the same reasons set forth in claim 32.

Regarding claim 45, the limitations of the claim are rejected as the same reasons set forth in claim 33.

Regarding claim 47, the limitations of the claim are rejected as the same reasons set forth in claim 41.

Regarding claim 48, Armstrong teaches to make an out-going call during call waiting (col. 7 line 47 through col. 8 line 75).

Regarding claim 54, the limitations of the claim are rejected as the same reasons set forth in claim 40.

Regarding claim 55, the limitations of the claim are rejected as the same reasons set forth in claim 41.

Regarding claim 56, the limitations of the claim are rejected as the same reasons set forth in claim 42.

Regarding claim 63, Civanlar discloses a routing method for use in a communication system including a first communication device (102), a second communication device (104), and a third communication device (115), wherein the first communication device and the second communication device are in communication over a communication line (col. 6 lines 10-13), the routing method comprising the steps of requesting said communication to be placed on hold (col. 6 lines 33-40), receiving an acknowledgement from said first device that said communication has



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been placed on hold for a period of time (col. 7 lines 21-36 and col. 9 lines 20-37). Civanlar differs from the claimed invention in not specifically teaching to switch the communication line from the first device to the third device in order to resuming the communication after expiration of the period of time. However, Armstrong teaches such (col. 1 lines 17-35, col. 2 line 55 through col. 3 line 55 and col. 4 line 13 through col. 6 line 41). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Civanlar in switching the communication line from the first device to the third device, as per teaching of Armstrong, because it enables a user to switch alternately between parties.

Regarding claim 64, Civanlar teaches to transmit an attention signal, i.e., a call waiting alert tone, to said first device (col.6 lines 33-40).

Regarding claim 65, Civanlar teaches to transmit an attention signal, i.e., a hold request signal, to the second device (col. 7 lines 21-36).

Regarding claim 70, the limitations of the claim are rejected as the same reasons set forth in claim 48.

Regarding claim 73, Civanlar discloses a communication system having a telephone network (116) that delivers call waiting signaling upon detect an incoming call (col. 4 lines 31-32). The communication system comprises a remote modem (104) having a hold mode and a local modem (102) communicatively coupled to the remote modem via shared access to the telephone network (figure 1, abstract and col. 4 lines 10-24). In addition, the local modem directs the remote modem to enter the hold mode then temporarily relinquished to the telephone network after detecting the call waiting signaling (col. 2 lines 27-55 and col. 4 lines 34-44). Civanlar differs from the claimed invention in not specifically teaching to provide a new communication

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channel for connecting telephone device A and telephone device C. However, Armstrong teaches such (col. 1 lines 17-35, col. 2 line 55 through col. 3 line 55 and col. 4 line 13 through col. 6 line 41). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Civanlar in switching the communication line from the first device to the third device, as per teaching of Armstrong, because because it enables a user to make a call even a line has been used.

Regarding claims 74-77, Armstrong teaches the relinquishment request is received from a third device, or the handset going off-hook, for placing a call on the telephone line (col. 1 lines 17-25).

Regarding claim 78, Armstrong teaches using received dial tone for three-way call feature support (col. 1 lines 26-35).

Regarding claims 79-80, the limitations of the claim are rejected as the same reasons set forth in claim 73.

Regarding claims 81-83, the limitations of the claim are rejected as the same reasons set forth in claims 74-77.

Regarding claim 84, the limitations of the claim are rejected as the same reasons set forth in claim 78.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 8-10, 19-20, 32-33, 40-42, 44-45, 47-48, 54-56, 63-66, and 68-84 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, V.A., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

George Eng

Examiner

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